## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wallace E. FLEMING

Serial No.:

10/599,316

Filing Date:

09/25/2006

Title:

VACUUM INSULATED BUILDING PANEL

Group Art Unit:

3633

Examiner:

Darner, Christopher J.

Agent Docket No.:

216.001

## **RESPONSE TO RESTRICTION ACTION DATED AUGUST 14, 2008**

September 10, 2008

FILED VIA EFS-Web

TO:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## A. <u>ELECTION OF CLAIMS FOR EXAMINATION</u>

This submission is in response to the Restriction Action mailed on August 14, 2008, in which the Examiner indicated that the pending claims are directed to more than one species of the generic invention, as follows:

- Species I: Figure 1, drawn to a steel vacuum panel (Claims 1-3, 6, and 7); and
- Species II: Figure 14, drawn to a window vacuum panel (Claims 4-5).

Applicant hereby elects examination of <u>Claims 1-3, 6, and 7</u> (Species I), drawn to a steel vacuum panel per Figure 1. Claims 4-5 are hereby withdrawn, without prejudice to Applicant's right to reintroduce said withdrawn claims at a later stage, or in a continuing application.

The foregoing election is made without traverse.

Respectfully submitted on behalf of the Applicant, by his agent:

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